



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
KNOXVILLE ENVIRONMENTAL FIELD OFFICE
DIVISION OF WATER POLLUTION CONTROL-MINING SECTION
3711 MIDDLEBROOK PIKE
KNOXVILLE, TN 37921-6538

April 8, 2011

Mr. Jim Millaps, Owner/Operator
411 Crushed Stone
6157 Bingham Lane
Maryville, TN 37801

Subject: **General Permit for Construction and Removal of Minor Road Crossings
Aquatic Resource Alteration Permit (ARAP) NR11MS.003
Loudon County, Tennessee**

Dear Mr. Millsaps:

We have reviewed your application for the proposed construction of minor road crossings. Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations, the Division of Water Pollution Control is required to determine whether the activity described in the attached notice of coverage will violate applicable water quality standards.

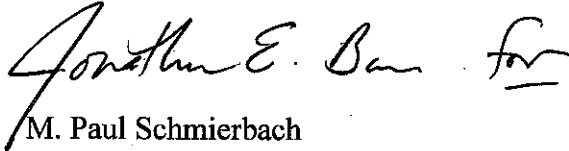
This activity is governed by the *General Permit for Construction and Removal of Minor Road Crossings*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NR11MS.003 and the limitations and conditions set forth in the *General Permit for Construction and Removal of Minor Road Crossings* (enclosed). It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understand the permit conditions before the project begins.

Please note that excavation and fill activities associated with the road crossings must be separated from flowing waters. This may be accomplished through the utilization of cofferdams (non-erodible materials), berms or temporary channels. Channel widening is expressly prohibited under the terms of the general permit. In addition, adequate erosion controls must be installed prior to construction and maintained during construction of the project. All disturbed areas must be revegetated or otherwise stabilized upon completion of construction. Please make the necessary provisions for these circumstances.

General Permit for Construction and Removal of Minor Road Crossings
Aquatic Resource Alteration Permit (ARAP) NR11MS.003
Loudon County, Tennessee
Page 2 of 2

We appreciate your attention to the Aquatic Resource Alteration Permit program. If you have any questions, please contact Dave Turner at (865) 594-5541 or Dan Murray at (865) 594-5549.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan E. Ban" followed by a stylized flourish.

M. Paul Schmierbach
Environmental Program Manager
Division of Water Pollution Control

Encl: NOC and copy of general permit

CC: Mr. Joseph MacMahan, USACE
Mr. Robert Brooks, Knoxville EFO
NPDES TN0069566, File copy



Under the Aquatic Resource Alteration

General Permit for Construction and Removal of Minor Road Crossings

Tennessee Department of Environment and Conservation

Division of Water Pollution Control

401 Church Street, 6th Floor, L&C Annex

Nashville, Tennessee 37243-1534

ARAP – NR11MS.003

Under authority of the Tennessee Water Quality Control Act of 1977 (TWQCA, T.C.A. 69-3-101 *et seq.*) the Division of Water Pollution Control has determined the activity described below would not violate applicable water quality standards.

This activity is governed by the *General Permit for Construction and Removal of Minor Road Crossings* (effective July 1, 2005) issued pursuant to the TWQCA. The work must be accomplished in conformance with accepted plans, specifications, data and other information submitted in support of application NR11MS.003 and the terms and conditions set forth in the above referenced general permit.

PERMITTEE:

411 Crushed Stone, LLC

AUTHORIZED WORK:

The upgrade and replacement of an existing road crossing to provide access for NPDES Permit TN0069566. One 36 - inch culvert, 30 - foot culvert length.

LOCATION:

N35.65134, W84.1391, Loudon County

WATERBODY NAME:

Unnamed tributary to Baker Creek

EFFECTIVE DATE: 8-APR-11

EXPIRATION DATE: 8-APR-12

This does not preclude requirements of other federal, state or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the U. S. Army Corps of Engineers, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. This permit may also serve as a federal §401 water quality certification (pursuant to 40 C.F.R. §121.2) since the planned activity was reviewed and the division has reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards (T.C.A. § 69-3-101 *et seq.* or of § § 301, 302, 303, 306 or 307 of *The Clean Water Act*).

The state of Tennessee may modify, suspend or revoke this authorization or seek modification or revocation should the state determine that the activity results in more than an insignificant violation of applicable water quality standards or violation of the TWQCA. Failure to comply with permit terms may result in penalty in accordance with T.C.A. §69-3-115.

A handwritten signature in cursive script that reads "Paul E. Davis".

Paul E. Davis, P.E.

Director, Division of Water Pollution Control

Tennessee Department of Environment and Conservation
General Permit for
Construction and Removal of Minor Road Crossings



Effective Date: July 1, 2010
Expiration Date: June 30, 2015

Activities Covered by this Permit:

This general permit authorizes the construction and/or removal of minor road crossings. A "minor road crossing" is defined in Rule 1200-4-7-.03 as a bridged or culverted roadway fill across a stream or river which results in the alteration of 200 linear feet or less of stream bed (on a single stream) or shoreline. This permit also authorizes other transportation crossings of the same size restriction such as linear crossings of greenway trails.

Limitations of this Permit:

Certain activities due to size, location or potential water quality impacts are not covered under this general permit. Those activities are described in this section. Activities not qualifying for authorization under this general permit may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

- 1) Road crossings including transition channels, endwalls, aprons or rip rap that exceed a total length of 200 feet on a single stream for the entire project are not covered.
- 2) Road crossings that are anticipated to significantly alter the hydraulics of the stream (e.g., under-sizing or over widening the channel) are not covered.
- 3) Crossings that are non-linear features commonly associated with transportation projects such as vehicle maintenance or storage buildings, parking lots, cul-de-sacs and turn arounds are not covered.
- 4) Activities located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters are not covered.
- 5) Activities that may adversely affect wetlands are not covered.
- 6) Activities located in any waterway which is identified by the department as having contaminated sediments, and the activity will likely mobilize the contaminated sediments are not covered.
- 7) Activities that may result in an adverse effect to a threatened or endangered species, or to designated critical habitat; or is likely to jeopardize the continued existence of a species proposed for listing as endangered or threatened without prior authorization from the U.S. Fish and Wildlife Service as required by section 7 or section 10 of the Endangered Species Act where applicable are not covered. Adverse effects comprise, but are not necessarily limited to, the following: (a) death or injury to one or more individuals that results from activities associated with an action, (b) a change in habitat quantity or quality that results from activities associated with an action that renders the habitat unsuitable for the species, or (c) activities associated with an action that disrupts normal behavior or functions of individuals.
- 8) Activities that may result in the take, harassment, or destruction of plant or wildlife listed as threatened or endangered or a species deemed to be in need of management, as defined and identified under Tennessee Code Annotated (TCA) 70-08-103, Tennessee Wildlife Resources Agency (TWRA) Proclamations 00-14 and 00-15, and Division of Natural Heritage (DNH) Rule 0400-6-2 or which will destroy the habitat of such species without prior authorization from TWRA and/or DNH where applicable are not covered.
- 9) Activities, either individually or cumulatively, that may result in degradation to waters of the state are not covered. For example, this general permit shall not be used in incremental means to combine with other projects to alter larger areas of stream.
- 10) Activities that otherwise require an individual permit are not covered.

Obtaining Permit Coverage:

Coverage under this general permit may be obtained by submitting a signed and completed application (form CN-1091) to the division. Work shall not commence until written authorization from the division is received. As noted above, not all activities can be covered under this general permit, and an application for coverage may be denied when appropriate.

Certain activities do not require the submittal of an application or written authorization from the division prior to commencement of work. Those activities are where the total width of disturbance to the stream channel needed to construct a road crossing is less than 25 feet. Even though written authorization is not required, the proposed activity shall be performed in accordance with all limitations, terms and conditions of this general permit.

Where written authorization is required, the division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit's expiration date.

Terms and Conditions of this Permit:

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

- 1) All work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life (including trout streams and naturally reproducing trout streams), livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.
- 3) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 4) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 5) Where practicable, the bottom of culverts should be constructed below the stream bed level in a manner that allows natural substrate to reestablish.
- 6) The activity may not be conducted in a manner that would permanently disrupt the movement of fish and aquatic life.
- 7) Applicant is responsible for complying with all applicable floodplain regulations. It is the responsibility of the applicant to contact local government officials to determine what the regulations are at the specific location of the proposed project.
- 8) The width of the fill associated with the crossing shall be limited to the minimum necessary for the actual crossing.
- 9) Only clean rock used for the road crossing may be placed directly in the stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 10) The crossing shall be culverted, bridged or otherwise designed to prevent the impoundment of normal or base flows. Base flow is the usual or normal flow of the stream that is supplied primarily by groundwater from springs and seeps, but not affected by rapid runoff during and after rainfall.
- 11) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 12) Removal of road crossings shall be done in the dry to the maximum extent practicable.
- 13) Where a crossing is removed, the channel shall be returned to stable conditions, which replicates the characteristics (dimensions, shape, substrate, etc.) of the upstream and downstream conditions.
- 14) Upon removal of a crossing, stream banks shall be stabilized. Materials used in bank stabilization shall include clean rock, riprap, anchored trees or other non-erodible materials found in the natural environment.
- 15) Materials used in road crossing projects shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 16) The excavation and fill activities associated with the road crossing shall be kept to a minimum and shall be separated from flowing waters except in instances involving only the placement of a culvert and clean rock. The crossing shall be constructed in the dry to the maximum extent practicable, by diverting flow utilizing cofferdams, berms, temporary channels or pipes. Temporary diversion channels shall be protected by non-erodible material and lined to the expected high water level.
- 17) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 18) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 19) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls measures shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. Information on erosion and sediment control measures can be found in the

- 20) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 21) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 22) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 23) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 24) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 25) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 26) Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

APPROVED: _____

Paul E. Davis, Director, Water Pollution Control

DATE: 6/28/10